

The Salisbury Planning Board held its regular meeting on Tuesday, January 11, 2005 in the City Council Chamber of the Salisbury City Hall at 4:00 p.m. with the following being present and absent:

PRESENT: Lou Manning, Brian Miller, Rodney Queen, Sandy Reitz, Jeff Smith, Valerie Stewart, Albert Stout, and Diane Young

ABSENT: Len Clark, Mitzi Clement, Dr. James Johnson, and Rev. Jerry Wilkes

STAFF: Janet Gapen, Preston Mitchell, Diana Moghrabi, Joe Morris, David Phillips, Lynn Raker, and Patrick Ritchie

The meeting was called to order by Co-Chairman **Rodney Queen**. Co-Chairman Queen offered a prayer to begin. The minutes of the December 14, 2004 meeting were approved as published.

ZONING MAP AMENDMENTS

Co-Chairman Queen convened a Courtesy Hearing.

Z-18-04 Glenn Lee Flaska
175 Knollwood Drive
Salisbury, NC 28146

LOCATION: 1815 E. Innes Street - along East Innes Street, true south from the interstate and approximately 1,000 feet south of Avalon Drive.
From: B-1 (Office Institutional) with Group Development Overlay
To: B-4 (Highway Business District) with the Group Development Overlay
Parcel: 071 101, one parcel, .89 acres

Preston Mitchell, City of Salisbury's Senior Planner, made a Power Point presentation that identified the area on the map and showed pictures of neighborhood. There exist a substantial number of residential homes in this area. Mr. Mitchell described the current land use. There is a Group Development Overlay on this property, but they are not requesting to amend it in any way. If rezoning is approved any development would have to go through the group development process.

The Vision 2020 Plan suggests that the Innes Street Corridor is of commercial importance and needs to be limited. It is important to define the edge of the city. This property is a vacant home and probably not suitable for residential occupancy any longer. The intense use that B-4 allows is not consistent with the Vision 2020 Plan.

Staff recommends not approving this rezoning on the basis that the B-4 district will greatly increase intensity in an area that needs to minimize commercial uses to residential scaled office and institutional uses.

The B-4 zone was requested because of the specific use that a lessee wanted to apply to this property, which is only allowed in B-4. The requested use would be office institutional and the specific use would be favorable for this corridor.

Those speaking in favor of the zoning change request:

Douglas Todd Paris, Atty., 113-A East Council Street represented Mrs. Dora Dalton. The B-4 zoning is the only zoning district that allows her type of business. Unfortunately her business is grouped with a lot of negative uses. If possible, he would prefer to amend the zoning request to B-4-S (special use) for her specific use as a spiritual advisor.

Mr. Paris offered some history on her business and her experience with prior rezoning. There have not been any problems that require her to move, the owner simply sold the building. The owner is supportive of her and sent a letter of reference to the Planning Board.

Staff recommended that Mr. Paris withdraw the rezoning application. Since the hearing had been posted and many people did appear, the Courtesy Hearing proceeded.

Mrs. Dora Dalton of 2910 South Main Street stated that she had appeared before Planning Board in 2000 to add her business use to B-4. She has enjoyed living and doing business at her present address, and she regrets having to move. It is her desire to follow correct procedure.

Dr. Ted James, 1545 Earnhardt Road, is a veterinarian who owns the property where Mrs. Dalton lives and operates her current business. Mr. James told the Board that Mrs. Dalton has been a good tenant and took good care of the property. Her business did not generate an excessive amount of traffic or disruptive traffic. He has no complaints and has heard no complaints about her or her business.

Those speaking in opposition to the zoning change request:

Cathy Painter, 520 Morrison Avenue, has been a resident in the neighborhood behind the 1815 East Innes Street property for 29 years. She does not think that the B-4 zoning could be good for the residential neighborhood. She prefers to maintain the appearance of the area as a legacy for their family. She has concerns about the addition of B-4 uses if Mrs. Dalton leaves.

Jean Brown, 615 Morrison Avenue, has been a resident in the neighborhood for 50 years. She raised her family here and wants to keep it the same. She has many concerns about the uses that are included in B-4 zoning and how they would impact the residential neighborhood.

Robert Scott, 518 Morrison Avenue, said the house has been vacant for quite some time. It was listed at a good price. Had it been suitable for residential use it would have been sold.

Billy Woody, 1903 East Innes Street, has lived in the neighborhood for 24 years. He rehabilitated a house that the City had condemned. Rezoning to B-4 would be a step backward. He hoped Mrs. Dalton could find a suitable building in an area currently zoned B-4.

Thirteen people stood in opposition to the rezoning and seven stood in favor of the rezoning.

Board Discussion:

Rodney Queen complimented staff on the zoning report. It was complete and helpful.

Jeff Smith made a motion to table Z-18-04. Since the applicant planned to withdraw the application there was nothing to discuss. Lou Manning seconded the motion with all members voted AYE.

Rodney Queen said he was not in favor of rezoning this property to B-4 and Special Use may be more appropriate. Jeff Smith understands that staff has made a recommendation suggesting that the spiritual advisor use is inappropriately placed in the zoning code. He would like staff to take a look at where this use should be placed in the zoning ordinance. Brian Miller asked about the natural course this case would follow. After 45 days, if nothing happens, it will go to City Council with an approval recommendation. If the application is not withdrawn it needs to be placed on the Planning Board agenda again.

A case being tabled has 45 days to either go to City Council or the application withdrawn.

GROUP DEVELOPMENT SITE PLAN

David Phillips made the staff presentation for the following group development site plans.

G-19-04 Laurels of Salisbury
215 Lash Drive
Tax Map 331, Parcel 215 Outparcel #1, Zoning M-1

Mr. Michael Healy, of Maddox NBD, Inc., submitted the application for a 2,481 square foot physical/occupational therapy addition at the existing site located at 215 Lash Drive. All zoning criteria have been met. The Technical Review Committee recommends approval of the application, as submitted.

There currently exists an 80-bed nursing home on this site. The parking and landscaping are in place.

Public Comment

Todd Hubler, Administrator at the Laurels, 1302 Stonewidth Drive
Michael Healey, Maddox Architectures., Dublin, Ohio – Both extended courtesies and requested approval in order to offer additional services for long-term care.

Board Discussion

Jeff Smith made a motion to approve. **Brian Miller** seconded the motion with all members voting AYE.

G-20-04 National Starch & Chemical
485 Cedar Springs Road
Tax Map 471, Parcel 025, Zoning M-2

Mr. Carlos Moore, for National Starch & Chemical, submitted the application for a 2,184 square foot metal office/lab building addition at the existing site at 485 Cedar Springs Road. All zoning criteria have been met. The Technical Review Committee recommends approval of the application, as submitted.

Public Comment

Carlos Moore, Architect for National Starch, 222 Church Street North, Concord. Mr. Moore said they are basically building a small building in a very large complex. The new building cannot be seen from the road. This is part of a greater picture for National Starch and Chemical. They are planning a tremendous expansion. This will be very good for Salisbury. He complimented the high quality staff Salisbury has and stated he was of the opinion that staff approval should have been adequate for this project.

Paul Kelly, Director of Process Development for National Starch and Chemical, 511 St. Johns Drive, said this is replacing space that will be used by another division for other purposes. This is where they develop hair care and skincare polymers.

Board Discussion

Brian Miller made a motion to approve as submitted. Albert Stout seconded the motion with all members voting AYE.

PRELIMINARY PLAT SUBDIVISION

Patrick Ritchie made a staff presentation for the following:

S-16-04 Preliminary Subdivision Plat for Joe Mathis

The proposed site is located between Cross Drive and Foster Lane and currently consists of a 2.04-acre tract containing one single-family residential structure. The proposed subdivision would create five residential lots with the existing structure on one of these lots. The proposal would utilize Foster Lane for access to three lots and Cross Drive to access the remaining two lots. The area is Zoned R6-A (with a mobile home overlay) and public water and sewer are available to the site. The proposed lots meet all zoning requirements to allow single family or duplex residences.

Foster Lane is an existing sub-standard City Street. Improvements would not be required to utilize Foster Lane for access to the subdivision as proposed.

Cross Drive is currently a non-maintained public right-of-way in the area of the proposed development and is being used for driveway access to two existing homes. The developer

has submitted a plan to improve Cross Drive utilizing the existing public right-of-way and has requested that it be accepted by the City for maintenance. Under the current proposal, the developer would extend Cross Drive approximately 200 feet within the existing right-of-way utilizing a 20-foot wide ribbon asphalt cross section to match the existing conditions in the area. Section 5.03.3a of the subdivision ordinance allows Planning Board to grant relief from standards for short extensions of existing streets. The TRC discussed this proposal and recommends that relief be granted allowing the construction as proposed. If approved, the details of the street construction and utility extensions will be reviewed and approved by staff prior to construction.

Staff recommends approval of the preliminary plat with modification of standards as requested. The preliminary plat will be subject to the following standard conditions:

1. Improvements for drainage, streets, water and sewer must be designed in accordance with City standards and policies.
2. An agreement concerning extension of water and sew lines must be completed and approved by the developer and City Council.
3. All surveying and engineering plans shall be tied to the NC State Plane Coordinate System. The city will assist in establishing coordinates for the original tie if necessary.
4. Erosion control must be provided in accordance with Rowan county regulations. For more information, contact: Mr. Greg Greene, Environmental Specialist, Rowan County Environmental Services; telephone 704-638-3078.
5. Approval of the preliminary plat will be valid for two years. Extensions of preliminary plat approval may be requested for no added cost in advance of the expiration date, or for 50% of standard fees after the expiration date.

Public Comment

Joe Mathis, Developer, 803 North Main Street, Granite Quarry, wants to improve the area by extending the street and the water and sewer lines. He was hoping for some assistance from the City to do this. He invested in this area nine or ten years ago – across the street. He stated that Foster Lane was a problem road; it is in poor condition. It is not adequate for what is there. School buses and fire trucks cannot get in or out.

Board Discussion:

Brian Miller agreed with staff's recommendation and made a motion to approve with the relief from standard. **Jeff Smith** seconded the motion with all members voting AYE.

PLANNING BOARD GOALS FOR 2005-2006

Members assigned to the committee were Len Clark, Valerie Stewart, Sandy Reitz, Jeff Smith, and Rodney Queen.

Jeff Smith reviewed the report that was in the agenda package and noted a few changes. The committee met on December 29, 2004. He hopes that Planning Board can be more intentional

and conscientious about approving relief from standards. It is important to uphold the ordinance and work with staff to do so. It is the committee's desire to have an inclusive planning summit this year. Mr. Smith made a motion to approve the Planning Board Goals for 2005-2006. **Lou Manning** seconded the motion with all members voting AYE.

COMMITTEE REPORTS

Legislative Committee A

Sign Ordinance (Special Events) – Brian Miller, (chair), Jerry Wilkes, Lou Manning, Valerie Stewart, and Diane Young. **Brian Miller** said that efforts to meet during the holiday were not successful and he hopes to have an update at the next Planning Board meeting. After making a presentation to Planning Board and the Community Appearance Commission, they plan to make a presentation to City Council, probably at the end of February. The committee will meet Friday, January 21 at 9:00 a.m. in the Council Chamber.

Committee 1

N. Main Small Area Study – Sandy Reitz, Chair, Lou Manning, V. Chair, Jeff Smith, and Albert Stout

Sandy Reitz said the committee met on Wednesday, January 5 at City Hall. The Community Appearance Commission had a very good presentation on the Park Avenue neighborhood, which is the “Ferrari” of neighborhood studies that took ten years to complete. Park Avenue is a 501(c)(3) organization since 1998. Park Avenue had some challenges not facing the North Main Area. The North Main Area Study will be condensed to a shorter time period. The committee will meet Wednesday, January 19, 2005 at 8:30 a.m. in the Council Chamber.

OTHER BOARD BUSINESS

Chairman

Spencer Lane recently brought a case before the Planning Board that was located in the Extra Territorial Jurisdiction (ETJ) on which he wanted to build 16 lots. The Planning Board required that he install curb and guttering and sidewalks following the guidelines of the Vision 2020 Plan. Brian Miller had recommended that the matter be sent to committee, but it was not. Mr. Queen received a lot of phone calls about the City's requirements and inconsistencies in the Planning Board's decisions. It is the intention of the chairman to prepare areas in the ETJ for annexation. This may prove to be asking too much of developers. He apologized for not sending the matter to committee.

Brian Miller suggested that Planning Board create a policy that says “if we have a situation where property is unlikely to be annexed in the next 5, 10, 20 years and other conditions exist, we would have justification why relief would be granted.” He recommended some common sense guidance for the Board.

Sandy Reitz asked if the Land Development Ordinance Committee (LDOC) was tending to this matter. Mr. Queen stated that the LDOC was working toward higher density in the ETJ which would make annexation worthwhile. Preston Mitchell added that the LDOC has a lot of ideas piling up at their door. It will be a while before staff can prioritize all of these ideas.

Albert Stout suggested that common sense must prevail. **Jeff Smith** and **Diane Young** did not feel a need to apologize for the decision. Jeff Smith warned the Board to “beware of unintended consequences.” Mrs. Dalton’s case is an example of this today.

Other Board Members

Brian Miller would like to prioritize one of the goals - one of the gateways to the city should be identified as a future small area plan.

Staff

Preston Mitchell requested that the Co-Chairs prepare to give the presentation on the Planning Board’s goals to City Council on February 1.

Rodney Queen reminded Board members of the importance of their attendance to meetings.

There being no further business to come before the Board, the meeting was adjourned.

Co-Chairman, Rodney Queen

Co-Chairman, Jeff Smith

Secretary, Diana Moghrabi